

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**HOPE ESCORT and ANTHONY BARRATT,**  
*on behalf of themselves and all similarly*  
*situated individuals,*

**Civil Action No. 15-cv-04487-VBS**

**Plaintiffs,**

**-v-**

**CITIGROUP, INC., CITIBANK, N.A.,  
CITIGROUP TECHNOLOGY, INC., OPEN  
SYSTEMS TECHNOLOGIES, INC., and  
PRINCETON INFORMATION LTD.,**

**Defendants.**

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**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT.**  
**PROVISIONAL CERTIFICATION OF THE SETTLEMENT CLASS. APPOINTMENT**  
**OF PLAINTIFF'S COUNSEL AS CLASS COUNSEL. AND APPROVAL OF**  
**PLAINTIFF'S PROPOSED NOTICE OF SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Proposed Notice of Settlement ("Motion for Preliminary Approval"),

and the Declaration of Andrew R. Frisch in Support of Plaintiffs' Motion for Preliminary Approval ("Frisch Declaration"), Plaintiffs respectfully request that the Court enter an Order:

(1) granting preliminary approval of the Joint Settlement and Release ("Settlement Agreement"), attached as Exhibit A to the Declaration of Andrew R. Frisch ("Frisch Declaration");

(2) conditionally certifying the proposed class under Federal Rule of Civil Procedure 23(b)(3) for settlement purposes;

(3) appointing Andrew R. Frisch, C. Ryan Morgan, and Carlos V. Leach of Morgan & Morgan, P.A. ("M&M") as Class Counsel;

- (4) approving the proposed Notice of Class Action Settlement (“Proposed Notice”), attached to the Frisch Declaration, and direct its distribution;
- (5) approving the Parties’ proposed schedule for final settlement approval; and
- (6) granting such other, further, or different relief as the Court deems just and proper.

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as Exhibit A, for the Court’s convenience.

Dated: June 17, 2016  
Plantation, Florida

Respectfully submitted,

**/s/ANDREW R. FRISCH**

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*Counsel for Plaintiffs and the Settlement Class*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of July, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF which will send a copy to all counsel of record.

/s/ ANDREW R. FRISCH  
Andrew R. Frisch